NEW YORK, FRIDAY, MARCH 21, 1890.

### PRICE ONE CENT.

Flack's Referee Takes the Stand in His Own Behalf.

### STRONG POINTS IN HIS FAVOR

day, in behalf of Sheriff James A. Flack, his son, William L. Flack and Joseph Meeks, the defendants on trial for conspiring to fraudulently obtain a divorce for Mary E. Flack from her husband, the was not cross-examined.

to testify."

The lampy old lady was permitted to be with she would not believe her half-sister under coath, for she was a liar, and then she shipped in that Mrs. Flack had been at death? door from drink. She san of cross-examined.

Silveriff.

Judge Fullerton with his glasses resting naturally upon the brain protubers ances over his eyebrows, began his address to the jury in the softly modulated voice for which he is famous as a pleader.

With both hands resting on the table before the jury box. the short, stout figure of the old Judge leaned forward and talked to the men in the box in a confidential, man-to-man style.

The absence of handsome Capt. Billy Ricketts from his accustomed place at the left of Justice Barrett has been noticed this week, an'when a solicitous in moury was made by an Evenino World reporter.

"Is Capt. Ricketts his been courting a bean-tifful and refined Stamford lady these same, "Worse than that; he's married."

"Ont, Ricketts has been courting a bean-tifful and refined Stamford lady these same, "Worse than that; he's married."

"Also that the referee to take the statutory afform his report to the first was a pleaded by Procecutor (foil in his opening, furnished food for reflection and continued in the following strain.

Mr. Flack had lived all his life in New York. The substitute of the witness are supported in the fallowing training tour.

Mr. Flack had lived all his life in New York was not considered the statutory of the life of James A. Flack, as related by Procecutor (foil in his opening, furnished food for reflection and continued in the following strain.

Mr. Flack had lived all his life in New York was prosperous and respected, and the people took him from his business to confide the plantiff.

Meeks identified the paper in the judg-ment roll and went roll and went roll and went reliant to the late was a life, and the west all and the restinct door from drink. She start the had practised twenty. I was Jure 14. V.

I was the would not believe her half, such a the substantial do

say to a wife this suing for divorce: No, you must return and live with your adulterous husband, lost because she first learned of his initielity from his lins.

There must be no agreement or connivance between husband and wife that the offense shall be committed in order that the divorce may be obtained, but the offender may confess, if he likes, and even then the law obliges the wife to prove the commission of the effense outside of the husband's confession.

of his inndelity from his line.

There must be no agreement or connivance between hisband and wife that the offender may confess, if he likes, and even then the lisw obliges the wife to prove the commission of the effense ontside of the husband's confession.

Mrs. Flack was told that Judge Monell could be employed as her lawyer. She has said that. He was employed, and very properly—for public policy has been that the divorce should be as secret as possible, and Judge Monell was an old and trusted friend of the family.

The papers were prepared and sent to Mrs. Flack, and she had them in her possession forty-tight hours. She says she didn't read them, but I think the Coart will charge you that you must not consider her evidence at all, for when it shall be shown that she has committed wilful perjury before you you will understand that she is not to be believed.

William L. Flack knew all the circumstances. He knew that the divorce ought to be granted, and that it would be best for all concerned. She did not sign the papers immediately. She herself has told you that sha was not in a condition to sign them.

An efficer was taken to her and witnessed has afficiavit. It is true that Mr. Flack furnished the names of the witnesses, and that has the man Shan T. Reynolds was a false name Buta that, though it was an irregularity, was not a cossential fault. The offense was not with the name, but with the woman.

Judge Fullerton justified this deception.

was begun.

Justice Barrett spoke to the jury regarding the fact that some of them had

the same day.
On this trial, Wright swore that the affi. To Be Tried for Manslaughter in

offense was not with the name, but with the volume.

Judge Fullerton justified this deception because it was to screen Sarah Cherry and because it was to screen Sarah Cherry and Eddie Raymond from scandal: to keep people from prying them out and pointing to where they lived.

Flack was not one of these shiftless husbands. He was not one of these men who associate with low women. Whatever he did was kept from the public. He kept it from his wife.

He gave his wife a beautiful home. She had servants, fine furniture and home comforts. That was commendable gentlemen.

a most laudable thing.

He gave her two notices of insurance on the ink in your signature and him the third discussion and the tink in your signature and him the discussion and the stink in your signature and him the discussion and the stink in your signature and him the discussion and the stink in your signature and him the discussion and the stink in your signature and him the discussion as a still the still t

so as she pleased, live as she pleased, with ampic provision for all her expenses.

The deed of the house and the policies of insurance were placed in the hands of her son, and when she left for the country he asked her what disposition she wished him to make of them.

She replied that he had better keep them for her, and when this difficulty arose they were passed over to her lawyer without delay, and she received her weekly allowance in accordance with the agreement.

Down to the time that the papers in the divorce proceedings were taken to Judge Bookstaver for the final decree the proceedings were prefectly regular. Then Judge Bookstaver objected to Judge Monell as attorney for Mrs. Flack.

What right had Judge Bookstaver to medde in that matter? What business was it of his who was the attorney? All the difficulty arose over the acts that followed in the substitution of another lawyer in place of Monell.

It will be proven to you beyond controversy that Mrs. Flack knew all of the things which she has denied to you. There have been irregularities, but not such as constitute conspiracy.

Judge Fullerton's address was very brief, and then ex-Judge Horsee Russell.

Judge Fullerton's address was very brief, and then ex-Judge Horsee Russell called Mrs. Staw M Cannes and the policies of insurance were placed in the and she was accurate would not let her tell what she knew about the habits of Mrs. Flack and she was accurate was every brief, too, for the sume reason.

Then Joseph Meeks took the same was too his who was the attorney? All the difficulty arose over the acts that followed in the substitution of another lawyer in place of Monell.

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When James A. Flack was County Clerk

Judge Fullerton's address was very brief, and then ex. Judge Horace Rusself called Mrs. Susan M. Capes as the first witness for the defense.

Mrs. Capes is an aged, white-haired woman of the olden style, the wife of John W. Capes. She testified in a chatty, smiling way, saying that she was a halfsister to Mrs. Mary E. Flack, their mothers being the same.

"James A. Flack was a splendid husband, and there never was a better man than ho," said the old lady fervently. "My mother lived with him for many years,"

When James A. Flack was County Clerk Was a searcher in the office under him." said Mr. Meeks. "I continued under his successor, Edward F. Reilly." Mr. Bird called the attention of Mr. Meeks to the section of the Code which provides against the appointment of certain official as referees, and asked him if that section permitted him as searcher to be referee of the Flack case. Of course Mr. Meeks thought not.

Q. When did you first hear of this case? A. On the tenth day of June. 1889, Q. Did you ever see this woman, Chrysy

Q. When did you first hear of this case? A. On the tenth day of June, 1889, Q. Did you ever see this woman, Charry?

He Says Mrs. Flack Signed the Papers of Her Free Will.

Papers of Her Free Will.

Why mother lived with him for many years."

Judge Russell set out to spread the story of Mrs. Flack's inordinate drinking habits, but after much argument by the lawyers it was ruled out, not, however, it time to prevent Mrs. Capes from declaring that she had been called frequently to her sister's house when the latter was supposed to be ill, and had found her "dead drunk."

Whereat Justice Barrett remarked drinking the court of Oyer and Terminer to-ruling the Court when they are anxious to bestify."

My mother lived with him for many years."

Q. Did you know James A. Flack had any relations with any woman other than his visit? A. Not till June 10, when I first head been appointed referee. I wrote my own outh of office and swore to it. I saw the still have a way of overning the court of Oyer and Terminer to-ruling the Court when they are anxious for her examination.

Meeks identified the paper in the judg-

Mrs. Flack and he is known as the Sheriff's counsel.

He said: "I don't want a divorce case."
I uryed and he said: "If you can show me that its all right I'll do it." He finally agreed and I asked for an erasure.

Wright handed one to me and I crased the name of Ambrose Monell from the papers, in Wright's presence.

"Then as Wright had no summons in the office he called in his boy, and the boy went out and got a summons blank and I filled it out.

"It differs in no way from the original summons except that Ben'amin Wright appeared on it in place of Ambrose Mosell.

Q. Was your handwriting disguised on that paper? A. No, sir, not at all. Wright said that it ought to be May 2: Jike Monell's original, and so I wrote May 2: over the first writing.

### TWO CHILDREN INDICTED.

davit was brought to him for his signature some days after the first paper by
Joseph Meeks. The affidavit stated that
Ben Wright knew that twenty days had
elapsed since the complaint had been
served.

Mr. Cleveland identified the papers in
the suit for diverse brought by Mrs.

To be Tried for analisaughter in
Killing a Four-Year-Old.

Lawrence Hasslinger, twelve rears old,
day for manslaughter in
Cleveland identified the papers in
10, 1889.

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day for manslaughter, for causing the death of four-year-old Tobias Hipper, on April 10, 1889.

Tobias lived at 1014 Becomd avenue, and the two other boys filled his mouth full of dirt and strangled him.

They were arrested after the Coroner's investigation at the time and were subsequently released in \$1,000 ball each to await the action of the Grand Jury. They will be arraigned to-morrow in General Sessions.

And Carroll Says He, Murderer Kemmler Must Too, Is Strong for the Fray.

Die, Says the Court of Appeals.

### LIGHTWEIGHTS MEET TO-NIGHT THE NEW LAW IS SUSTAINED.

M'Auliffe a Strong Favorite in the Execution by Electricity Declared Betting on the Coast.

IMPRICAL TO THE EVENING WORLD. 1 San Francisco, March 21. - The interest is intense in the fight to occur to-night between Jack McAuliffe and Jimmy Carroll. Numerous sports are here from all parts

of the United States. In an interview at Joe Doives's resort near Oakland, last evening, Jack said :
"I am feeling excellent. I was nearly down to weight after the first week, but



rain retarded the work. I had a ligh touch of malaria, but it wore away.

" Both myself and my friends are dis gusted at the betting. We were told there was \$50,000 here to bet, but we can't find it. Carroll's friends are look.



Mason street.
'' I was never better in my li'e." said he, "and I feel strong and confident. Have been below weight several days. One thirty-three would have suited me

The unwillingness of the Pacific sports to put up their money, reported in the above despatch, is probably due to a susplicton voiced in a telegram of inquiry sent to Richard K. Fox by President Fulda yesterday.

Mr. Fulda sent to Taxon and the Pacific sports of t Fuida yesterday.

Mr. Fulda said it was suspected that money had been sent West by Eastern bookmakers on a promise that the fight was to be fixed. McAntiffe to win.

Mr. Fox investigated as far as he was able and telegraphed reassuringly to Mr. Fulda.

There seems to be no grounds for suspiciou that the fight is to be crocked in any way, and the great amount of money sent from here simply indicates the New Yorkers' confidence in Jack's ability to

He gave his wife a beautiful home. She had servants, fine furnitive and home commandable, gentiemen, a most laudable thing.

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He gave his wife a beautiful home. She had she wife a lone, Then Judge Rausell saked:

"Attention has been called to different was of the stranger was of the servants in worth while to examine the properties of insurance on the like the stranger was of the servants in the properties of insurance on the like the stranger was of the servants in the properties of insurance on the like the stranger was of the servants in the stranger was

to Be Constitutional.

IMPECIAL TO THE ETENING WORLD I ALBANY, March 21 .- The Court of Ap peals affirms the constitutionality of the law making electricity the method of inflicting the death penalty in this State. It also affirms the conviction and sentence against Kemmler, the first criminal

The fight against the law providing excution by electricity has been carried on stubbornly, step by step, since May of last year, when Kenmler was sentenced at Buffalo to be executed by the new method, during the week ending June 24, at Auburn Prison.

An exception was taken and overruled at the time of the judgment.

The case was then brought before Judge Day at Auburn on a habeas corpus, and a commission was instituted to inquire as to the deadly effects of an electric shock, and whether execution by that method would be cruel.

Finally the writ was dismissed and the cass went to the General Term, where an adverse decision was rendered in December last.

condemned to die by that method.

The final appeal in the courts has now been taken and lost, and the law must stand.

Bourke Cockran, of this city, joined early in the fight and has strenuously argued the unconstitutionality of the law.

While the various appeals have been

pending the number of convicted mur-derers in the State the manner of whose death depended upon the issue has in-creased to five, as follows:

Kenmiler, originally condemned, in whose case the appeal was taken.

Jugigo, who killed a fellow-Japanese in a New York boarding-house.

McIlvaine, who killed Grocer Luca in Brooklyn hast September.

Slocum, who beat his wife to death with a ball-club in this city.

Wood, colored, who killed a fellow laborer on the agreeduct, named Charles Ruffin, in May last and was convicted on the 12th inst.

LATER.—It is now learned that Gen. Crook died of heart disease immediately after rising.

His wife was with him. He was apparently in good health last night.

Adjt.-Gen. Williams, who assumed

### SLOCUM HEARS HIS DOOM.

Sentenced to Die by Electricity in the Week Beginning May 5. James J. Slocum, the baseball player, was arraigned before Judge Martine in Part II. of the Court of General Sessions this morning and sentenced to suffer death by electricity during the week beginning May 5 next.

Slocum will be taken to Sing Sing and kept in solitary confinement until the execution.

His crime was a brutal one. He killed his wife partly through jealousy of one "Greek John" on New Year's Eve. He knocked her down with a hatchet and mangled her corpse with broken

Dempsey, Madden and Davey will second cent. on its capital of \$50,000,000.

His decision in full reads as follows:

me."

Jimmie Carroll was found at home on Mason street.

'I was never better in my li'e," said he, '' and I feel strong and confident. Have i een below weight several days. One thirty-three would have suited me better.

'Jack's friends are growling about the "Lack's friends are growling about the case of the case in the Company should be expected to await the final dispetition of the North Hiver Sugar.

'Jack's friends are growling about the

One thirty-three would have suited me better.

"Jack's friends are growling about the betting. They may be accommodated yet. Such a sure thing should be better than two to one.

"If I less I won't have an excuse to offer. La Blanche, Faddy Smith and a bottle-holder not yet picked, will look after me."

The betting offered in pool-rooms and in private is ten to six on Jack, with no takers.

Dick Roach, in private conversation, said: "They are talking about Billy Myer and the winner of this fight being matched. Much as I am injerested in the present fight, I would trausfer my interest to Myer. I am ready to bet \$15,000 or \$20,000 on him at 133 pounds, at any time."

Company should be deposited to ask at me man to be derived and the case in the Court of the transfer books close March 25 and reopen April 7. The court-room as crowded when Judge O' living rendered his decision, and the results secured to surprise the plaintiff, Becaute Gray.

Eithu Boot and John M. Bowers represented Mr. Gray.

The trustees of the Trust are Theodore H. Havemeyer, James A. Stursberg, William Dick, F. O. Mathieson and J. Jangensen.

According to their sworn statements, the profits of the refusers in the Prust since New Year's only reached the fabultons aum of \$1,250,000, and this money is what will now be divided in the shape of a dividend among the needy monopolists.



KING FOG-" As no one else is doing anything I guess I'll remove the snow myself."

# GENERAL GROOK IS DEAD. FOREIGN NEWS BY CABLE

Suddenly at Chicago.

SEPECIAL TO THE EVENING WORLD, I CHICAGO, March 21.—Major-Gen. George Crook, United States Army, commanding



after rising.

His wife was with him. He was apparently in good health last night.

Adjt. Gen. Williams, who assumed command immediately after Gen. Crook's death, has charge of the arrangements for the funeral or the funeral. He is in communication with Secretary Proctor.

It is Mrs. Crook's desire that the body be taken to Oakland, Md., for burial.

Gen. Crook has nad a long and disinguished military career.

He was born near Dayton, O., Sept. 8, 1829, and was appointed to West Point Academy in 1848.

He graduated as a Brevet Second Lieument of the product of the p

He graduated as a Brevet Second Licution. His crime was a brutal one. He killed his wife partly through jealousy of one "Greek John" on New Year's Eve.

He knocked her down with a hatchet and mangled her corpae with broken crockery.

SUGAR TRUST A WINNER.

SUGAR TRUST A WINNER.

Judge O'Brien Allows It to Declare

Its \$1,250,000 Dividend.

Judge O'Brien, in Part III. of the Supreme Court, this morning granted leave to the Sugar Trust to declare a dividend of 2½ per cent on its canital of \$5.0,000,000.

His decision in full reads as follows:

Henry Winthrop Gray, Receiver, against De Castro A. Box of the Department of the Platte in 1886. He was a stauch Democrat, unassuming, but it was a warrior all the way through. He has been most prominent before the public for twenty years in connection with lighting and

public for twenty years in connection with Indian affairs, both in fighting and in successful negotiations to avoid war.

## CLOSING THE LEAGUE DEALS.

Magnates in Secret Session-No of the trotting horses at the American Insti-

swords.

hasten to Koepenich.

The Old Indian Fighter Expires Gendarmes Killed in a Riot in a Berlin Suburb.

> BERLIN, March 21.—A bloody riot is now taking place in Keopenich, a suburb of this A mass-meeting of workingmen had been convened to discuss the eight-hour question, and the meeting broke up in disorder.

IDUNEAP CABLE NEWS SPECIAL 1

The Mayor read the riot act and the riot-ers stoned the police. The Mayor then charged the crowd at the head of a body of gendarmes with drawn

In the fight that followed two gendarmer were killed and several wounded, and a num-ber of men and women rioters were severely injured. The Berlin garrison has just been wired to

Mme. Pommery Is Dead. REIMS, March 21.—Mme. Pommery. hampagne fame, died here on Wednesday. She leaves a fortune estimated at \$4,000,-000, and bequeaths Millet's "The Glean-

ers," the rival of "The Angelus," to the fuseum of the Louvre. Boys Driven to Parricide by Cruelty. INT CARLE TO THE PRESS NEWS ASSOCIATION, LONDON, March 21.—The brothers, Richard and George Davies, aged eighteen and sixteen respectively, have been convicted and sentenced to death, at Crewe, for the murder of their father, Richard Davies. The prisoners admitted the act, but pleaded in mitigation the cruelty of their father to his family, and especially to their

It was a very painful case and there were

some affecting scenes during the trial. The Prince of Wales at Berlin.

LONDON, March 21.—The Cambridge crew yesterday pulled over the whole course from Putney to Mortlake in the splendid time of

19 minutes 15 seconds.

### The latest betting is 15 to 8 on Oxford. TROTTERS SOLD AT AUCTION.

The Oxonians only practised starts,

Consort, a Daughter of Kentucky Wilkes, Sold for \$600.

There was a small attendance at the sale

Conversation, The trustees of the Trust star Theodorse II. However, James A. Mirarburg, William Dick, F. O. Mathiese II. However, James A. Mirarburg, William Dick, F. O. Mathiese II. However, James A. Mirarburg, William Dick, F. O. Mathiese II. However, H. O. Havemeyer, James A. Mirarburg, William Dick, F. O. Mathiese II. However, James A. Mirarburg, William Dick, F. O. Mathiese II. However, James A. Mirarburg, William Dick, F. O. Mathiese II. However, H. O. Havemeyer, James A. Mirarburg, William Dick, F. O. Mathiese II. However, H. O. Mathiese II. However

Frejols Won the Stake Event of the Day by Two Lengths.

TRACK WAS VERY SLOPPY.

Clayton Waited Too Long in the Third and John Arkins Won

CLIFTON RACE TRACE, March 21.—This was the eighty-second day of the Winter meeting of the Passaic County Agricultural Society at Clifton, and it was anything but an enjoyable day. The rain made it very disagreeable to spectators and the sloppy track caused the jockeys to get smothered Mamie Hay was made the favorite for the

Mamie Hay was made the favorite for the opening event. She was evidently tired from her race at Guttenburg yesterday and finished unplaced, the race being won rather easily by King Volt.

The second race was noted for the heavy betting done on five of the eight starters. Go Lucky finally closed a slight favorite and wor a good race by a neck from Cousignee. As the horses went to the front for the third race the rain ceased and it began to clear nicety to the delight of all present.

Wild Cherry was the favorite, but Clayton waited too long with her before making his run and was beaten a length by John Arkins.

Selling; seven and a half furlongs, Wide Jackson Brutcht Pleas.
100 J. Tribe 4 to 1 to 5
1.15. McHenry 7 to 1 to 1
1.05. Jones 10 to 1
105. Jones 10 to 1
105. Jones 10 to 1
115. Carnon 10 to 1
115. Lambley 5 to 1
105. Horizon 1 to 1
105. Hori bavage Mamie Hay Parthian Barnum Ariel Chemos Clontari Albemarie

Five furlongs; maidens.

1 to Lucky 97. Penny 3 to 1 d to 5
2 Consignes 104. J. Tribe 6 to 1 2 to 1
3 Australand 97. Jones 7 to 2 d to 5
0 Windeld 109. Route. 4 to 1 5 to 2
0 Resemary-Murray 113. Costello A to 1 5 to 2
0 Raviis 113. Costello A to 1 5 to 2
0 Raviis 100. Lawrence 20 to 1 d to 1
0 Inp. Sundial 113. Estron 5 to 1
1 The Race.—When they got the flag Consignes showed in front, but at the first turiong Go Lucky took the lead and was never afterwards headed, finally winning by a neck. Consignee was second, three lengths the best of Australand. Time—1,07.
Mutuels paid: Straight, \$5.55; for a

Mutuels paid: Straight, \$5.55; place, \$3.65, Consignee paid \$7.60. THIRD BACE. One mile; selling. 

1.51%. Mutuels paid: Straight, \$6.60; for a place, \$2.85. Wild Cherry paid \$2.55. FOURTH BACK. Handican; six and a half furlongs. | Sharters, | Whis Jackeys, | Straight Place. | 1 Frejols. | 944 Clarbers | 6 to 5 | 1 to 9 | 1 to 13 | 1 to 15 | 1

O Lemon Biossom. 100. J. L'mbly S to 1 Tue S.
The Race.—Malachi, Samaria and Frejois
were the first three away at the start. On
passing the stand Frejois went to the front
and was never afterwards reached, winning
by two lengths from Insight, who was the
same distance before Samaria. Time1.27%,
Mutuels naid: Straight, \$5; for a place,
\$2.95, Insight paid \$2.90. FIFTH BACE.
Seiling; six and a half furlongs.

1 Prince Howard 112 Bender Sto 1 Took
2 Harrison 601 Myers 9 to 10 end
3 Lemone H 92 A Clarion 5 to 1 to 5
0 Jensyous 92 J. L'unb'ylto 1 2 to 1
The Race. Prince Howard won by three lengths from Harrison, who was ten lengths before Lemoine H. Time—1, 28, Guttenburg Entries for To-Morrow. HUBSON COUNTY DRIVING PARK, March

20. -Here are the entries for Saturday, March 22:

First Hace Selling: beaten horses: Ave furiouss.

Wissahirken cott. 120: Rose, 11b: Bloss 111;
By Brown Jug. 108: Parkvills. St. Clair, Exten.
Davis, Countipede. Seaties, 102 b. sach.
Sacoud Hace Selling: three-quasters of mile.—
The Bourban. 119: Pericles. Letters, 111 such;
Aira. 109: Goldfish. 106: Bouny Lass, 105: chassupeare, J. O. C., 100 sach; Pall Mail, 17-16. 77 lb. Third Ma ve Selling; heaten herses; five furbourse.
Frundom, 117 Henseltet, 111; Hierard, 106;
Dynamics, Chambig, Hebel Scout, Fountain, Wilred Jay, 105 sac5; Weasel, 102; Mane, 100;
&th. 50; M. Nation 181 h. Sames Scaling a server furious a Phiracy. 110 Lasty Pulasier, 111. Hattershy, Icki Wabson, Carsman Anomais, 17 each Besle, 89 ld.

Fith Harm Solling, he ten horses; Sue-sighthe of a mile Maior. Johnnie E., 111 sach: Warsaw, hink, 10s sach: James Norrie, 1 ord Besconsafeld, Little Michael 191 each. Miler, Easterbash Phil Thumpson, 102 lb. each. Miler factors, 111. Here of the Miler of the Mi

How to Save. The bargains we aftertise of Hege Solts at 87 10 menu a assum in most instances of GRE MALF. HATEUT, CARRIES & CO., Stranburg and Canal at . ". ----

Vienna, and and home-made, is some best.